

pending

Pat Toomey

AMENDMENT NO. _____

Calendar No. _____

Purpose: To ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 2579

McConnell
for

AMENDMENT N^o 1948

to allow the
lized COBRA

By *Toomey*

To: *AMDT No 1959*

_____ and

HR2579

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Page(s)

TOOMEY

GPO: 2016 22-945 (mac)

and Cruz

VIZ:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . STOP DANGEROUS SANCTUARY CITIES ACT.**
- 3 (a) SHORT TITLE.—This section may be cited as the
- 4 “Stop Dangerous Sanctuary Cities Act”.
- 5 (b) ENSURING THAT LOCAL AND FEDERAL LAW EN-
- 6 FORCEMENT OFFICERS MAY COOPERATE TO SAFEGUARD
- 7 OUR COMMUNITIES.—
- 8 (1) AUTHORITY TO COOPERATE WITH FEDERAL
- 9 OFFICIALS.—A State, a political subdivision of a
- 10 State, or an officer, employee, or agent of such State

1 or political subdivision that complies with a detainer
2 issued by the Department of Homeland Security
3 under section 236 or 287 of the Immigration and
4 Nationality Act (8 U.S.C. 1226 and 1357)—

5 (A) shall be deemed to be acting as an
6 agent of the Department of Homeland Security;
7 and

8 (B) with regard to actions taken to comply
9 with the detainer, shall have all authority avail-
10 able to officers and employees of the Depart-
11 ment of Homeland Security.

12 (2) LEGAL PROCEEDINGS.—In any legal pro-
13 ceeding brought against a State, a political subdivi-
14 sion of a State, or an officer, employee, or agent of
15 such State or political subdivision, which challenges
16 the legality of the seizure or detention of an indi-
17 vidual pursuant to a detainer issued by the Depart-
18 ment of Homeland Security under section 236 or
19 287 of the Immigration and Nationality Act (8
20 U.S.C. 1226 and 1357)—

21 (A) no liability shall lie against the State
22 or political subdivision of a State for actions
23 taken in compliance with the detainer; and

1 (B) if the actions of the officer, employee,
2 or agent of the State or political subdivision
3 were taken in compliance with the detainer—

4 (i) the officer, employee, or agent
5 shall be deemed—

6 (I) to be an employee of the Fed-
7 eral Government and an investigative
8 or law enforcement officer; and

9 (II) to have been acting within
10 the scope of his or her employment
11 under section 1346(b) and chapter
12 171 of title 28, United States Code;

13 (ii) section 1346(b) of title 28, United
14 States Code, shall provide the exclusive
15 remedy for the plaintiff; and

16 (iii) the United States shall be sub-
17 stituted as defendant in the proceeding.

18 (3) RULE OF CONSTRUCTION.—Nothing in this
19 subsection may be construed to provide immunity to
20 any person who knowingly violates the civil or con-
21 stitutional rights of an individual.

22 (c) SANCTUARY JURISDICTION DEFINED.—

23 (1) IN GENERAL.—Except as provided under
24 paragraph (2), for purposes of this section the term
25 “sanctuary jurisdiction” means any State or political

1 subdivision of a State that has in effect a statute,
2 ordinance, policy, or practice that prohibits or re-
3 stricts any government entity or official from—

4 (A) sending, receiving, maintaining, or ex-
5 changing with any Federal, State, or local gov-
6 ernment entity information regarding the citi-
7 zenship or immigration status (lawful or unlaw-
8 ful) of any individual; or

9 (B) complying with a request lawfully
10 made by the Department of Homeland Security
11 under section 236 or 287 of the Immigration
12 and Nationality Act (8 U.S.C. 1226 and 1357)
13 to comply with a detainer for, or notify about
14 the release of, an individual.

15 (2) EXCEPTION.—A State or political subdivi-
16 sion of a State shall not be deemed a sanctuary ju-
17 risdiction based solely on its having a policy whereby
18 its officials will not share information regarding, or
19 comply with a request made by the Department of
20 Homeland Security under section 236 or 287 of the
21 Immigration and Nationality Act (8 U.S.C. 1226
22 and 1357) to comply with a detainer regarding, an
23 individual who comes forward as a victim or a wit-
24 ness to a criminal offense.

1 (d) SANCTUARY JURISDICTIONS INELIGIBLE FOR
2 CERTAIN FEDERAL FUNDS.—

3 (1) ECONOMIC DEVELOPMENT ADMINISTRATION
4 GRANTS.—

5 (A) GRANTS FOR PUBLIC WORKS AND ECO-
6 NOMIC DEVELOPMENT.—Section 201(b) of the
7 Public Works and Economic Development Act
8 of 1965 (42 U.S.C. 3141(b)) is amended—

9 (i) in paragraph (2), by striking
10 “and” at the end;

11 (ii) in paragraph (3)(B), by striking
12 the period at the end and inserting “;
13 and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(4) the area in which the project is to be car-
17 ried out is not a sanctuary jurisdiction (as defined
18 in subsection (c) of the Stop Dangerous Sanctuary
19 Cities Act).”.

20 (B) GRANTS FOR PLANNING AND ADMINIS-
21 TRATION.—Section 203(a) of the Public Works
22 and Economic Development Act of 1965 (42
23 U.S.C. 3143(a)) is amended by adding at the
24 end the following: “A sanctuary jurisdiction (as
25 defined in subsection (c) of the Stop Dangerous

1 Sanctuary Cities Act) may not be deemed an el-
2 igible recipient under this subsection.”.

3 (C) SUPPLEMENTARY GRANTS.—Section
4 205(a) of the Public Works and Economic De-
5 velopment Act of 1965 (42 U.S.C. 3145(a)) is
6 amended—

7 (i) in paragraph (2), by striking
8 “and” at the end;

9 (ii) in paragraph (3)(B), by striking
10 the period at the end and inserting “;
11 and”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(4) will be carried out in an area that does not
15 contain a sanctuary jurisdiction (as defined in sub-
16 section (c) of the Stop Dangerous Sanctuary Cities
17 Act).”.

18 (D) GRANTS FOR TRAINING, RESEARCH,
19 AND TECHNICAL ASSISTANCE.—Section 207 of
20 the Public Works and Economic Development
21 Act of 1965 (42 U.S.C. 3147) is amended by
22 adding at the end the following:

23 “(c) INELIGIBILITY OF SANCTUARY JURISDIC-
24 TIONS.—Grants funds under this section may not be used
25 to provide assistance to a sanctuary jurisdiction (as de-

1 fined in subsection (c) of the Stop Dangerous Sanctuary
2 Cities Act).”.

3 (2) COMMUNITY DEVELOPMENT BLOCK
4 GRANTS.—Title I of the Housing and Community
5 Development Act of 1974 (42 U.S.C. 5301 et seq.)
6 is amended—

7 (A) in section 102(a) (42 U.S.C. 5302(a)),
8 by adding at the end the following:

9 “(25) The term ‘sanctuary jurisdiction’ has the
10 meaning provided in subsection (c) of the Stop Dan-
11 gerous Sanctuary Cities Act.”.

12 (B) in section 104 (42 U.S.C. 5304)—

13 (i) in subsection (b)—

14 (I) in paragraph (5), by striking
15 “and” at the end;

16 (II) by redesignating paragraph
17 (6) as paragraph (7); and

18 (III) by inserting after paragraph
19 (5) the following:

20 “(6) the grantee is not a sanctuary jurisdiction
21 and will not become a sanctuary jurisdiction during
22 the period for which the grantee receives a grant
23 under this title; and”.

24 (ii) by adding at the end the fol-
25 lowing:

1 “(n) PROTECTION OF INDIVIDUALS AGAINST
2 CRIME.—

3 “(1) IN GENERAL.—No funds authorized to be
4 appropriated to carry out this title may be obligated
5 or expended for any State or unit of general local
6 government that is a sanctuary jurisdiction.

7 “(2) RETURNED AMOUNTS.—

8 “(A) STATE.—If a State is a sanctuary ju-
9 risdiction during the period for which it receives
10 amounts under this title, the Secretary—

11 “(i) shall direct the State to imme-
12 diately return to the Secretary any such
13 amounts that the State received for that
14 period; and

15 “(ii) shall reallocate amounts returned
16 under clause (i) for grants under this title
17 to other States that are not sanctuary ju-
18 risdictions.

19 “(B) UNIT OF GENERAL LOCAL GOVERN-
20 MENT.—If a unit of general local government is
21 a sanctuary jurisdiction during the period for
22 which it receives amounts under this title, any
23 such amounts that the unit of general local gov-
24 ernment received for that period—

1 “(i) in the case of a unit of general
2 local government that is not in a non-
3 entitlement area, shall be returned to the
4 Secretary for grants under this title to
5 States and other units of general local gov-
6 ernment that are not sanctuary jurisdic-
7 tions; and

8 “(ii) in the case of a unit of general
9 local government that is in a nonentitle-
10 ment area, shall be returned to the Gov-
11 ernor of the State for grants under this
12 title to other units of general local govern-
13 ment in the State that are not sanctuary
14 jurisdictions.

15 “(C) REALLOCATION RULES.—In reallo-
16 cating amounts under subparagraphs (A) and
17 (B), the Secretary shall—

18 “(i) apply the relevant allocation for-
19 mula under subsection (b), with all sanc-
20 tuary jurisdictions excluded; and

21 “(ii) shall not be subject to the rules
22 for reallocation under subsection (c).”.

23 (3) EFFECTIVE DATE.—This subsection and the
24 amendments made by this subsection shall take ef-
25 fect on October 1, 2018.